

## REMARKS

Claims 27, 29-31, 34, 36-39, 52, and 54-56 are now pending in the application. Applicants thank the Examiner for the indication of allowable subject matter of all of the pending claims based upon the cited art.

### Applicant Initiated Interview

Applicants request that if each of the claims is not found to be in condition for allowance in light of the remarks included below that the Examiner contact Applicants' representative noted below.

### Re-Issue Application Declaration

Applicants filed on July 3, 2007, a new Re-Issue Application Declaration by the Inventors, Michael A. Martinelli and Wayne C. Haase. As requested by the Examiner, the Declaration includes information regarding both of the inventors, including their names, residence and mailing addresses, and was executed by both of the inventors. The Declaration also stated the error and stated the broadening nature of the reissue.

The error statement was completed for the Declaration after a discussion between Special Prosecution RE Colleen Cook of Art Unit 3737 and Applicants' representative on June 7, 2007. During the discussion the requirements of a proper error statement were discussed as required under 37 C.F.R. 1.63 and 1.175.

Applicants submit that the error statement as filed in the Declaration on July 3, 2007 meets the requirements of 37 C.F.R. 1.63 and 1.175. In particular 37 C.F.R. 1.175(a)(1) requires, "The applicant believes the original patent to be wholly or partly

inoperative or invalid . . . by reason of the patentee claiming . . . less than the patentee had the right to claim in the patent, stating at least one error being relied upon as the basis for reissue." In satisfying this requirement Applicants declared, "I verily believe *the original patent to be wholly or partly inoperative or invalid*, for the reasons described below. *[B]y reason of the patentee claiming more or less than he had the right to claim in the patent.* An error was made in U.S. Pat. No. 5,592,939 at least because I claimed less than I had a right to claim in the patent. Specifically, for example, *Claim 1 recited, 'a magnetically-sensitive, electrically conductive sensing coil affixed to a distal end of a catheter probe.'*" (emphasis added to note at least those portions of the error statement that satisfy the requirements of 37 C.F.R. 1.175(a)(1)).

1.175(a)(2) requires, "All errors being corrected in the reissue application up to the time of filing of the oath or declaration under this paragraph arose without any deceptive intention on the part of the applicant." In satisfying this requirement Applicants declared, "All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant."

Applicants further reference M.P.E.P. 1414 (l) which sets out an exemplary error statement, "Applicant believes the original patent to be partly inoperative or invalid by reason of the patentee claiming less than patentee had a right to claim in the patent." M.P.E.P. 1414 (l) further sets out, "The above examples will be sufficient to satisfy this requirement without any further statement." Applicants submit that the error statement submitted in the Declaration also meets the requirements of this section of the M.P.E.P.

In light of the above, Applicants submit that the previously filed Declaration is proper and meets each of the requirements of 37 C.F.R. 1.175. Because no art has been used to reject the claims, each claim is in condition for allowance.

**CONCLUSION**

It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Date: October 31, 2007

By:



Richard W. Warner, Reg. No. 38,043  
Michael L. Taylor, Reg. No. 50,521

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

SJF/RWW/MLT/srh